

From the Introduction ~ Page 19–20

# **N I G G E R**

The Strange Career of  
a Troublesome Word

**RANDALL KENNEDY**

With a New Introduction by the Author



Pantheon Books, New York

that subject will be impoverished to the extent that it skirts grappling directly with a word best known as an epithet which, more than any other, has symbolized racial oppression in America.<sup>[\*4]</sup>

Another reason for enunciating *nigger* as opposed to resorting to euphemism or omission has been persuasively championed by Professor Eugene Volokh, who rightly insists that law schools ought to prepare students for stresses they are likely to encounter in law practice.<sup>[29]</sup> Some of those stresses come from demands for candor and accuracy in legal proceedings, from the gathering of evidence, to the writing of briefs, to the presentation of oral arguments, to the drafting of judicial opinions. Research mainly conducted by Professor Volokh found *nigger* quoted in more than ninety-five hundred opinions written since 2000 by a wide range of jurists. They could have covered up *nigger*, as some judges do. But they decided not to for, among other things, the sake of precision. Law students should be trained to conduct themselves appropriately in light of reasonable professional expectations.<sup>[\*5]</sup>

What about those who say that hearing or reading the word *nigger* is so hurtful that it interferes with their ability to learn, and for that reason ought to be avoided? I have two sets of responses, one that takes the objection at face value and one that questions the claim of hurt.

My first response pertains to those who do, in fact, feel real distress upon hearing or seeing *nigger*. A student who encountered a redacted version of the N-word in a hypothetical on a law school examination reported feeling “incredibly upset” and beset by “heart palpitations.”<sup>[30]</sup> The good news is that feelings of hurt,

alarm, or humiliation are not unchangeable givens untouched and untouchable by the ways in which educators respond to them. Such feelings are subject to management. Educators should attempt to enable students to exercise control over feelings that, uncontrolled, will jeopardize their schooling and careers.

The more that schools validate the idea that in the situation under discussion feelings of hurt, alarm, or humiliation are justified, the tighter those feelings will be embraced, and the more there will be calls to harden linguistic taboos in deference to them. Educational policy should push in the opposite direction. It should propound the message that under the circumstances relevant here there is no good reason to feel hurt, alarmed, or humiliated. It should also propound the messages that people can and should be taught to deal calmly with any word. Law schools in particular should advance this message because an attorney unable to focus on legal chores on account of merely seeing or overhearing the infamous N-word is an inadequately prepared attorney—a lawyer who is as vulnerable as a surgeon who falls apart upon seeing or handling blood.<sup>[\*6]</sup> The proper response is not to avoid pedagogically useful applications of the slur. The proper response is to figure out ways of enabling students to manage distress so that they can proceed to learn the lessons on offer, thereby attaining knowledge and skills that will undergird their abilities to attain their aspirations.

Second, claimed feelings of hurt need to be questioned. Isn't it possible, indeed likely, that some of these claims are mere scripts that students have been taught to regurgitate or, relatedly, mere